



LEAVE SHARING INFORMATION



The Commonwealth of Kentucky supports leave sharing programs that provide assistance to employees in the event that certain conditions exist and specific qualifications are met, per program.

Eligibility requirements for both programs include:

- KRS Chapter 18A employees who are regularly appointed to positions in the state service for which are compensated on a full-time, part-time, or interim basis are eligible to participate in these programs.;. Additionally, with respect to the Sick Leave Sharing Program, employees of the Administrative Office of the Courts, Legislative Research Commission, sworn personnel in State Police covered by KRS Chapter 16, Kentucky Retirement Systems and Kentucky Teachers' Retirement System may also participate.
 - Both must be in an active/paid status at the time of the application/donation.
- An employee becomes eligible to receive donated leave at the point in time when criteria specific to the leave sharing program in question are met (see detailed program information below).
- Donors must have accrued a leave balance of more than seventy-five (75) hours and may not request a transfer of an amount of leave that would result in reducing his or her leave balance to less than seventy-five (75) hours.

Program Guidelines:

1. The applicant for leave sharing shall be responsible for filing the appropriate leave sharing application.
2. The appointing authority, with the approval of the Secretary of the Personnel Cabinet, shall determine the amount of leave, if any, which an employee within his or her agency may receive. Transfers of leave shall not exceed the amount requested by the recipient. (See maximum amount under details for Annual Leave Sharing Program.)
 - a. Leave shall not be donated to an employee regularly scheduled to work **thirty seven and one-half (37.5) hours per week in an amount less than seven and one-half (7.5) hours.**
 - b. Leave shall not be donated to an employee regularly scheduled to work **forty (40) hours per week in an amount less than eight (8) hours.**
3. Leave may be transferred between employees of the same agency. With the approval of the Secretary of the Personnel Cabinet and of the appointing authorities of both agencies, leave may be transferred between employees of different state agencies.
 - a. If multiple donors donate leave to an eligible recipient, agencies shall transfer leave in chronological order of receipt of the donation forms, up to the maximum amount that has been certified to be needed by the recipient.
 - b. Donated leave shall not be utilized retroactively except to cover the period between the date the request was submitted to the employee's supervisor or agency representative and the date of approval by the appointing authority.
 - c. The leave sharing recipient shall be responsible for monitoring the amount of leave donated and used.
 - d. Leave that an employee accrues while receiving donated sick leave shall be used before donated sick leave. Donated leave shall be used in the order in which it is donated, and on consecutive days.
 - e. If a leave donor resigns, retires, or is otherwise terminated from state employment before the process of transferring leave to the recipient has begun, the leave shall not be available for use by the recipient.
 - f. When the recipient of donated leave returns to work, unused donated leave shall be restored to the donors in reverse order of donation. Please see information below for exceptions to this general rule specific to the type of leave sharing program used.
4. While using leave donations, an employee shall be deemed a state employee and shall receive the same treatment with respect to salary, wages and employee benefits.
5. All salary and wage payments made to an employee while using leave sharing shall be made by the agency employing the person receiving the leave.

6. No employee shall directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any other employee for the purpose of interfering with the employee's right to voluntarily contribute leave sharing donations. Intimidate, threaten, or coerce means promising to confer or conferring any benefit or effecting or threatening to effect any reprisal.

Some important notes:

- It is important to remember that participation in any leave sharing program is at the discretion of the employee and requires approval of the Appointing Authority and the Secretary of the Personnel Cabinet.
- When working with any facet of either leave sharing program you must consider both the statute and the regulations.

Keep in mind that participation in any leave sharing program is subject to the approval of the Appointing Authority and the Secretary of the Personnel Cabinet.

Annual Leave Sharing Program (101 KAR 2:106 and KRS 18A.203)

In the event of a catastrophic loss to an employee's personal property, due to either a natural disaster or fire, eligible employees who accrue annual leave and who have exhausted their leave balances may have annual leave donated to them by other eligible state employees.

Requirements Unique to the Annual Leave Sharing Program-

1. To request donated annual leave, the following conditions must be met:
 - a. The employee suffers from a catastrophic loss to his or her personal property, due to either a natural disaster or fire, that either has caused or will likely cause the employee to go on leave for at least ten (10) consecutive working days;
 - The ten (10) consecutive days of leave required for eligibility by KRS 18A.203 shall be leave with or without pay.
 - b. The employee has exhausted his or her accumulated annual leave and compensatory leave balances, and
 - c. The employee has complied with administrative regulations governing the use of annual leave.
2. The total amount of donated annual leave that may be received or used by an eligible employee for the purposes specified by this administrative regulation shall be limited to 200 work hours per each qualifying event.
3. When the recipient of donated leave returns to work, unused donated leave shall be restored to the donors in reverse order of donation, unless the recipient provides evidence that the original condition for which annual leave was donated will continue.

Sick Leave Sharing Program (101 KAR 2:105 and KRS 18A.196 and 18A.197)

In the event of a prolonged or catastrophic illness or injury, or an extended absence due to illness of a family member, eligible employees who accrue sick leave and who have exhausted their leave balances may have sick leave donated to them by other eligible state employees.

Requirements Unique to the Sick Leave Sharing Program-

1. To request donated sick leave, the following conditions must be met:
 - a. The employee or member of his/her immediate family suffers from a "medically certified" illness, injury, impairment, or physical or mental condition which has caused, or is likely to cause, the employee to go on leave for at least ten consecutive working days;
 - "Immediate family" means (a) the employee's spouse, mother, father, grandparent, son or daughter; or (b) A person of similarly close relationship who has resided with the employee for at least thirty (30) days prior to application; or for whom the employee is legally responsible
 - b. The employee's need for absence is certified by a licensed practicing physician or Advanced Practice Registered Nurse;

- c. The employee has exhausted all of his/her available paid leave; and
 - d. The employee has complied with administrative regulations governing the use of sick leave.
2. The applicant for sick leave sharing shall be responsible for filing the appropriate medical certificates certifying the medical necessity.
 3. When the recipient of donated leave returns to work, unused donated leave shall be restored to the donors in reverse order of donation, unless the recipient provides medical evidence that continued periodic medical treatment relating to the original condition for which leave was donated is required.
 4. An appointing authority may require a sick leave recipient to provide an updated medical certificate attesting to the continued need for leave after thirty (30) working days of sick leave.

An employee receiving workers' compensation benefits shall be eligible to receive donated sick leave to maintain a regular level of pay.

Process Information

Listed below is the chronological flow of actions and documents.

1. **RECIPIENT COMPLETES APPLICATION AND SUBMITS IT ALONG WITH THE APPROPRIATE CERTIFICATION TO HIS HR ADMINISTRATOR.** The HR Administrator collects all information, and transmits the appropriate documents to the Appointing Authority.
2. **THE APPLICATION IS REVIEWED TO ENSURE THAT THE APPROPRIATE CERTIFICATION IS COMPLETE AND THE FORM IS CORRECTLY FILLED OUT.** Verify that the employee will exhaust his leave during the projected absence. Note that the employee does not have to have exhausted his leave before he submits the application. Also, note that the employee does not have to have already been off for 10 days in order to apply, but must have a situation where it is likely to cause an absence for at least 10 consecutive working days. A file is created for the recipient by the HR Administrator. All medical information must be kept in a locked file separate from the personnel files. A copy of the application is then sent to the Personnel Cabinet, unless the agency is utilizing the Sick and Annual Leave Sharing functionality in KHRIS.
3. **DONOR(S) COMPLETES DONATION FORM AND SUBMITS TO HIS HR ADMINISTRATOR.** The donor's HR Administrator verifies the donor's leave balance for eligibility. After the form is signed by the Appointing Authority, a copy is sent to the recipient's HR Administrator. The donor's HR Administrator will hold the copy for the Personnel Cabinet until receiving the "Transfer Sick Leave Form" (a copy is attached) from the recipient's HR Administrator. This shall serve as confirmation that the leave has been transferred. The donor's HR Administrator must reduce the donor's sick leave balance in KHRIS upon receipt of the form from the recipient's HR Administrator.
4. **RECEIVE AND FILE FORMS.** As the donation forms are received by the recipient's HR Administrator, they are stamped with a received date, and the time of receipt is recorded on the form. The recipient's HR Administrator will file the donor forms in the file for the appropriate recipient.
5. **PREPARE AND PROCESS PAYROLLS.** Upon certification of eligibility, all donated leave is to be added to recipient's sick leave balance in KHRIS at the time the donation is received. As the employee utilizes leave for the Sick Leave Sharing qualifying condition he will be paid as usual, reporting sick leave used.
6. **SEQUENCE OF LEAVE USAGE.** Transfer all leave donated to the recipient at the time of donation, not on a pay period basis, up to the amount requested. As the recipient accrues leave of his own, his leave time must be used first. He can then use time donated to him. The recipient uses donated leave in the order in which it is received.
7. **RECIPIENT CAN RETAIN LEAVE AFTER RETURN TO WORK.** The recipient may retain the donated leave upon return to work only if the recipient documents that leave will be needed for continuing treatment relating to the condition which caused the individual's absence. For example, if the employee was absent due to surgery to remove a malignant tumor and returns to work, but will require periodic absences for radiation therapy, the excess leave may be retained for that purpose. However, the employee may not retain the excess leave to be used for any unrelated condition.
8. **SEQUENCE OF RESTORING UNUSED LEAVE TO DONORS.** When the recipient returns to work and the donated leave is no longer needed for the qualifying condition, excess leave shall be returned to donors in reverse order of donation (last donor's leave is returned first.) If the donor has left state employment, the returned hours should be credited to the inactive record for restoration if the employee was rehired.